

REMARKS

Claims 1-4 and 8-20 are pending in this application. Claims 1, 2, 4, 8 and 9 are currently amended. Claims 13-15 are original. Claims 3 and 10-12 are previously presented. Claims 16-20 are withdrawn. Claims 5-7 are cancelled. No new matter has been introduced.

Applicant's invention, as now more clearly claimed, is protection system for use during outside activities for protection of a wearer against crawling insects such as deer ticks carrying Lyme Disease. The protection system comprises a set of protection elements for protection of a corresponding set of clothing openings, including at least one protection element pre-configured to accommodate a correspondingly configured clothing opening. The protection system also includes a set of clothing articles donned by a person to be protected by the set of protection elements and defining the corresponding set of clothing openings, the set of clothing openings consisting of: waist band, shirt collar, shirt front, (long) shirt sleeves, and (long) pant cuffs. Each protection element of the set of protection elements comprises an elongate substrate having a first, inner surface and an opposite, second, outer surface, a first, inner adhesive layer adhered upon the first, inner surface of the substrate and having an adhesive surface that, upon exposure, releasably adheres the protection element upon a clothing surface of the set of clothing articles in a region adjacent to the corresponding clothing opening, and a second, outer adhesive layer adhered upon the second, outer surface of the substrate and having an adhesive surface that, upon exposure, acts to impede advancement of insects crawling upon the clothing surface of the set of clothing articles into contact with the adhesive surface of the second, outer adhesive layer from proceeding thereacross toward the corresponding clothing opening. None of the prior art references relied upon by the Examiner, whether taken alone, or in any proper combination, teaches or suggests Applicant's invention as now more clearly claimed.

In particulars, claims 1 and 7-12 are rejected under 35 USC §102(b) as being anticipated by Luria et al. U.S. 5,381,557 and claims 13-15 are rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Luria et al. '557. We respectfully traverse.

Referring to MPEP §§2126-2146, for anticipation of a claim under 35 USC §102(b), a single prior art reference must teach every aspect of the claimed invention, either explicitly or

impliedly. In an rejection for obviousness under 35 USC §103(a), the teachings of the reference may be modified in order to meet the claim, but there must be suggestion or motivation, either in the reference it self or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. There must also be reasonable expectation of success, and the prior art reference must teach or suggest all of the claim limitations.

Here, Luria et al. '557 describes a cuff or band designed to be worn about a limb (arm or leg), with double faced adhesive tape applied to the surface of the cuff, which then serves as a barrier or trap to ticks and small crawling creatures. The cuff is "designed to be worn on the limbs (legs and arms) allowing the user to wear shorts or other warm weather attire" (col. 1, lines 46-48), and it will "enable the wearer to dress accordingly for warm weather since long pants tucked into socks and long sleeves which are currently recommended would not be absolutely required" (col. 2, lines 47-51). There is, however, no teaching, nor any proper suggestion, for Applicant's invention of a set of protection elements for protecting a corresponding set of clothing openings including waist band, shirt collar, shirt front, (long) shirt sleeves, and (long) pant cuffs, with at least one protection element pre-configured to accommodate a correspondingly configured clothing opening.

Instead, Luria et al. '557 describes a cuff or band devices for use about a wearer's leg or arm. There is entirely no teaching by Luria et al. '557 for a protection device configured for protection of a wearer's waist band, shirt collar, and shirt front, nor is there any proper suggestion to be found in Luria et al. '557, nor in any other reference, for modification of a band device for protection of a shirt front opening, nor, we submit, for the wholesale redesign and reconstructions necessary for modification of the Luria et al. '557 cuff device for use about a wearer's waist band or shirt collar, in particular for nearly all types of shirts other than perhaps high turtle neck-type collars.

Claims 2-4 are rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Luria et al. '557 in view of Kuo et al. U.S. 6,503,591.

Previously in this application, it has been established that the inventor conceived of the instant invention prior to December 4, 2000, the effective date of Arber '939, and it was establish

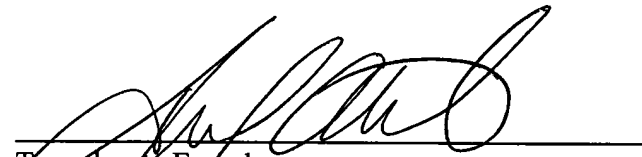
that the inventor was diligent in constructively reducing the invention to practice from prior to December 4, 2000 until the U.S. provisional application was filed March 8, 2001. The effective date of Kuo et al. '591 is February 7, 2001, after the date of conception and diligence previously established for the instant invention, therefore Kuo et al. '591 is not prior art to the present application. In any event, Kuo et al. '591 does not teach, nor properly suggest, the features found lacking in Luria et al. '557, nor has the Examiner cited Kuo et al. '591 for teaching or suggestion of those features.

On this basis, we submit that this application is now in condition to be allowed. Early favorable action is solicited.

Enclosed is a check for \$225.00 in payment of the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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